

HONORABLE RICARDO S. MARTINEZ

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

DERICK D'HAITI,

Plaintiff,

vs.

PHILIPS NORTH AMERICA LLC d/b/a  
PHILIPS HEALTHCARE, a Delaware  
limited-liability company; JONES LANG  
LASALLE AMERICAS, INC., a Maryland  
Corporation; ABM INDUSTRIES  
INCORPORATED, a Delaware corporation;  
ABC Company and XYZ Company,  
Defendants.

NO. 2:20-CV-00358-RSM

STIPULATED MOTION TO AMEND  
ORDER SETTING TRIAL DATE AND  
RELATED DATES

Motion Date: March 9, 2021

**STIPULATED MOTION**

The parties, by and through their undersigned counsel, stipulate and move that the deadlines set by the Court's Order Granting Stipulated Continuance (Dkt. 30, Nov. 30, 2020, *amended in part by* O. Granting Joint Stipulated Mot. to Extend Expert Witness Disclosure Deadlines, Dkt. 32, Jan. 19, 2021) should be amended to postpone the Trial Date & Related Dates by ninety (90) days. This Motion is made pursuant to LCR 10(g), stipulation of the parties, and the following facts and argument.

Stipulated Motion to Amend Order Setting Trial Date and  
Related Dates – 1

Case: 2:20-CV-00358-RSM

032491.000013 D'Haiti C20-1258 stip order amd trial date

**REED M<sup>c</sup>CLURE**  
ATTORNEYS AT LAW  
FINANCIAL CENTER  
1215 FOURTH AVENUE, SUITE 1700  
SEATTLE, WASHINGTON 98161-1087  
(206) 292-4900; FAX (206) 223-0152

1 Plaintiff in this matter alleges that on December 24, 2018, while working at a Philips  
 2 building, he slipped and fell on a freshly waxed floor. Plaintiff further alleges that he suffered  
 3 injuries because of the fall and that the incident was caused due to Philips' negligence. On August  
 4 8, 2020, Plaintiff amended his complaint to include two additional defendants, Jones Lang  
 5 LaSalle Americas Inc. and ABM Industries Incorporated.

6 On November 25, 2020, due to delays not reasonably within the control of any party, the  
 7 parties stipulated to amend the Court's original Order Setting Trial Date and Related Dates (Dkt.  
 8 11, Apr. 24, 2020) by extending the trial date and related deadlines by four months (Dkt. 29,  
 9 ordered by Dkt. 30). In an attempt to minimize the delays, the parties have stipulated to various  
 10 additional extensions over the course of this litigation: once to amend the deadline to join  
 11 additional parties (Dkt. 13, ordered by Dkt. 14); once to extend the deadline to amend Plaintiff's  
 12 complaint (Dkt. 15, ordered by Dkt. 16); and once to extend the deadline for expert witness  
 13 disclosure (Dkt. 31, ordered by Dkt. 32).

14 Since that time, the parties have continued to work diligently to move this case forward  
 15 but have not been able to proceed as swiftly as they would like. The reason for this request for  
 16 continuance is that the parties need additional time to complete their discovery and expert witness  
 17 disclosure. Defendant ABM, which was just added to this case in August 2020, has only just  
 18 obtained a signed release for Plaintiff's medical records and needs time to obtain those records.  
 19 Defendant JLL was also added to this case in August, and faces the additional difficulty of having  
 20 just substituted its counsel (Dkt. 35, ordered by Dkt. 36).

21 Therefore, in the interest of allowing each party adequate time to fully develop its case,  
 22 the parties stipulate to continue the trial date and corresponding case schedule deadlines that have  
 23 not yet passed by 90 (ninety) days. The new proposed deadlines are set forth below:

24 **JURY TRIAL DATE**

**November 29, 2021**

25 Stipulated Motion to Amend Order Setting Trial Date and  
 Related Dates – 2

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1	Length of Trial	4 days
2	Plaintiff's Expert Witness Disclosure/Reports under	June 10, 2021
3	FRCP 26(a)(2) due	
4	Defendants' Expert Witness Disclosure/Reports under	July 8, 2021
5	FRCP 26(a)(2) due	
6	Rebuttal Expert Disclosures	August 5, 2021
7	Deadline for filing motions related to discovery.	July 9, 2021
8	Any such motions shall be noted for consideration	
9	pursuant to LCR 7(d)(3)	
10	Discovery completed by	July 29, 2021
11	All dispositive motions and motions challenging expert	August 25, 2021
12	witness testimony must be filed by	
13	All motions <i>in limine</i> must be filed by	October 26, 2021
14	Agreed pretrial order due	November 8, 2021
15	Pretrial conference to be scheduled by the Court.	Set by the Court
16	Trial briefs, proposed voir dire questions, jury instructions,	November 18, 2021
17	neutral statement of the case, and trial exhibits due	
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Stipulated Motion to Amend Order Setting Trial Date and  
Related Dates – 3

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**IT IS SO STIPULATED this 9<sup>th</sup> day of March, 2021:**

EMERALD LAW GROUP, PLLC

/s/ Donna L. Mack

Donna L. Mack, WSBA No. 30875  
Attorney for Plaintiff

HOLT WOODS & SCISCIANI LLP

/s/ Kelsey L. Shewbert

Anthony R. Scisciani III, WSBA No. 32342  
Kelsey L. Shewbert, WSBA No. 51214  
Charissa R. Williams, WSBA No. 54879  
Attorneys for Philips North America LLC d/b/a  
Philips Healthcare

REED McCLURE

/s/ Jason E. Vacha

Jason E. Vacha, WSBA #34069  
Attorney for Defendant ABM Industries Inc.

GARDNER TRABOLSI & MORDEKHOV PLLC

/s/ David D. Mordekhov

David D. Mordekhov, WSBA No. 32900  
Attorney for Jones Lang LaSalle America, Inc.

**ORDER**

IT IS HEREBY ORDERED that the trial date and all corresponding deadlines will be continued for ninety (90) days according to the schedule above.

DATED this 9<sup>th</sup> day of March, 2021.



RICARDO S. MARTINEZ  
CHIEF UNITED STATES DISTRICT JUDGE

1 Presented by:

2 REED McCLURE

3 /s/ Jason E. Vacha

4 Jason E. Vacha, WSBA #34069

5 Attorney for Defendant ABM Industries Inc.

6  
7 EMERALD LAW GROUP, PLLC

8  
9 /s/ Donna L. Mack

10 Donna L. Mack, WSBA No. 30875

11 Attorney for Plaintiff

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13 /s/ Kelsey L. Shewbert

14 Anthony R. Scisciani III, WSBA No. 32342

15 Kelsey L. Shewbert, WSBA No. 51214

16 Charissa R. Williams, WSBA No. 54879

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19 GARDNER TRABOLSI & MORDEKHOV PLLC

20 /s/ David D. Mordekhov

21 David D. Mordekhov, WSBA #32900

22 Attorney for Jones Lang LaSalle America, Inc.

23  
24  
25  
Stipulated Motion to Amend Order Setting Trial Date and  
Related Dates – 5

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